HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 4111 of 2001 (MS)

Bank of Baroda, Kashipur Branch through
Senior Branch Manger ..... Petitioner

Versus

1. Board of Revenue at Lucknow
2. Sri Nandan Agarwal s/o Sri Deep Chand Agrawal Station Road, Kashipur.
3. State of U.P. through Collector, Nainital
4. District Industries Centre, Haldwani
5. M/S Vokan Times (India) Ltd; Regd. Office Shanker Bhawan, Model House, Naya Gaon (East) Lucknow.

..... Respondents

Sri S.K. Jain, Advocate for the petitioner
Sri Akhilesh Kalra, Advocate and Sri Paresh Tripathi, Advocate for the respondents.

Dated: June 22, 2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 28.5.92 passed by the Board of Revenue U.P.

Briefly stated according to the petitioner plots no. 737, 738, 739, 740 and 741 measuring about 4.22 Acres were mortgaged with the petitioner by M/S Vokan Times through its Managing Director, Sri Sadhu Praghnani and Director Sri Ramesh Praghnani. When the borrower failed to pay the loan amount to the petitioner bank then the petitioner filed a Civil Suit which was decreed in favour of the petitioner. In the meantime the property which was under equitable mortgage in favour of the petitioner was auctioned by Naib Tehsildar on

14.1.1991 against the dues as Central Investment subsidy of Rs.8,56,683/-. The petitioner filed objections before the Commissioner, Kumaun Division which were decided by the Commissioner vide order dated 20.6.1991 against the respondent no. 2. The respondent no. 2 preferred a revision before the Board of Revenue U.P. which was decided on 28.5.1992. Being aggrieved from the order of the Board of Revenue, present writ petition has been filed.

The controversy arises in the present writ petition has been decided by the order passed in Writ Petition No. 4112 of 2001 (MS) and Writ Petition No. 4113 of 2001 (MS). Thus the present writ petition is liable to be dismissed in terms of order passed in the aforesaid two writ petitions on 22.6.2006.

Accordingly, the writ petition is dismissed. No order as to costs.

Dated: 22.6.2006 **Rajesh Tandon, J.**

*Dhyani